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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE BOARD OF APPEALS

In re Patent Application of:	)	
<b>HAUGLAND ET AL.</b>	)	Attorney Docket No:
	)	<b>81301</b>
Serial No. <b>09/513,845</b>	)	
	)	
Filing Date: <b>FEBRUARY 25, 2000</b>	)	Examiner: <b>K. FLYNN</b>
	)	
For: <b>MASS GENERATION OF VIRTUAL</b>	)	Art Unit: <b>2153</b>
<b>SERVERS, VIRTUAL WEB SITES AND</b>	)	
<b>VIRTUAL WEB OBJECTS</b>	)	
	)	

**APPELLANT'S APPEAL BRIEF**

MS Appeal Brief-Patents  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Submitted herewith is Appellant's Appeal Brief together with the requisite \$250.00 small entity fee for filing a brief. If any additional extension and/or fee is required, authorization is given to charge Deposit Account No. **01-0484**.

(1) Real Party in Interest

The real party in interest is the inventor Henry Haugland.

(2) Related Appeals and Interferences

There are no related appeals or interferences.

(3) Status of the Claims

Claims 1-33, 42, 43, 45-53, 62 and 63 remain in the application. Claims 34-41, 44, 54-61 and 64-78 have been withdrawn from consideration and have been cancelled. Claims 1-

In Re Patent Application of:  
**HAUGLAND ET AL.**  
Serial No: **09/5136,845**  
Filing Date: **FEBRUARY 25, 2000**

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33, 42, 43, 45-53, 62 and 63 stand rejected.

(4) Status of the Amendments

No amendments have been filed subsequent to final rejection.

(5) Summary of the Claimed Subject Matter

The invention is directed to techniques for advertising or otherwise inducing activity by the target of the advertising, often called a "contact", at a server on a network by including the contact name within the resource location descriptions.

One advantage of techniques from the present invention is that a promoter (e.g., wholesaler, retailer, advocate, charity or political entity) can provide a large number of web sites, one for each contact (e.g., customer, potential customer, viewer, supporter or voter) whom the promoter has identified. Each web site can have a domain name that prominently displays the contact's identity. The psychological benefit to the contact of finding a web site devoted to the contact and with the contact's own identity as part of the domain name conditions the contact favorably and increases the chances that the result sought by the promoter will be achieved. For example, anecdotal evidence suggests that a contact exhibits a high probability of visiting a web site with a domain name bearing the contact's identity, when notified of the existence of the web site. Furthermore, a sale is completed a high percentage of times in such visits. Similarly, it is expected that such a contact will more likely make a donation to a charity when that charity establishes a web site bearing the contact's identity and relating the charity's

In Re Patent Application of:  
**HAUGLAND ET AL.**  
Serial No: **09/5136,845**  
Filing Date: **FEBRUARY 25, 2000**

---

work to the contact's concerns. As another example, it is expected that a voter will more likely vote for a politician who establishes a web site with the voter's identity relating the politician's position to the voter's activities.

(6) Grounds of Rejection to be Reviewed On Appeal

I. The Examiner erred in rejecting Claims 1-4, 9-17, 23-24, 28, 31-33, 42-43, 45-46, 49-50, 51-53 and 62-63 under 35 U.S.C. § 102 (e) as anticipated by Chiu et al. (U.S. Patent No. 5,752,022, hereinafter Chiu).

II. The Examiner erred in rejecting Claims 5-8, 18-22, 25-27, 29-30 and 47-48 under 35 U.S.C. § 103 as unpatentable over Chiu in view of LeMole et al. (U.S. Patent No. 6,009,410, hereinafter LeMole).

(7) Argument

**I. The Examiner erred in rejecting Claims 1-4, 9-17, 23-24, 28, 31-33, 42-43, 45-46, 51-53 and 62-63 under 35 U.S.C. § 102 as anticipated by Chiu.**

Claims 1, 31, 42, 43, 45, 46, 51, 62 and 63 are independent.

Claim 1 requires "generating a resource location description... the resource location description including the name of the contact... and notifying the contact about the resource location description for the resource." Similar limitations are

In Re Patent Application of:  
**HAUGLAND ET AL.**  
Serial No: **09/5136,845**  
Filing Date: **FEBRUARY 25, 2000**

---

in the other independent claims. The patent to Chiu does not teach or suggest these limitations.

In the final rejection, the Examiner states as follows:

Applicant contends that Chiu alone or in combination with LeMole does not teach or suggest including the name of the contact in a resource location description not of notifying the contact about the resource location description of the resource. Examiner disagrees. Chiu whose invention is a system and method for creating a hypertext language for a distributed computer network discloses wherein an initial request for access to documents contain an imbedded reference to the linked information including the name of the server which host that data. The request is made to the actual location of the requested document as it is found on the network. Although Chiu does not refer to the server as a contact they are functionally equivalent.

The Examiner is wrong that a server can be a "contact" as that term is used in the specification. See, for example, page 10 of the specification, line 9 et seq. Accordingly, Chiu does not anticipate claim 1.

Turning to the other independent claims, Claim 31 requires "generating a host name for the web site by the promoter, the host name including a name of the contact; notifying the contact of the host name for the web site" which is not shown by the Chiu reference.

In Re Patent Application of:  
**HAUGLAND ET AL.**  
Serial No: **09/5136,845**  
Filing Date: **FEBRUARY 25, 2000**

---

Claim 42 requires "including a name of the contact in a network address associated with the cause; and including the network address and materials sent to the contact." This is not shown by the Chiu reference.

Claim 45 requires "promotion information comprising: contact information about a contact to receive materials as part of a promotion; and... the resource location information including information from the contact information" which is not shown by the Chiu reference.

Claim 46 requires instructions for causing a processor to "generate a resource location description for the resource, the resource location description including the name of the contact;... and prepare a message notifying the contact about the resource location description for the resource." This is not shown by the Chiu reference.

Claim 51 requires instructions for causing a processor to generate "a host name for the web site, the host name including the name of the contact, [and] prepare a message notifying the contact of the host name for the web site." This is not shown by the Chiu reference.

Claim 62 requires "instructions... for causing one or more processors to include a name of the contact in a network address associated with the cause; and include the network address in a message prepared for the contact." This is not shown by Chiu.

In Re Patent Application of:  
**HAUGLAND ET AL.**  
Serial No: **09/5136,845**  
Filing Date: **FEBRUARY 25, 2000**

---

Claim 63 requires "instructions... for causing one or more processors to include a name of the promotion in a network address associated with the promotion; and prepare a message including the network address for broadcast to a plurality of targets."

Thus, none of the independent claims under rejection are anticipated by the Chiu reference.

The Examiner refers to column 3, lines 42-55 of Chiu as teaching that the resource location description includes the name of the contact. This is not the case.

The Chiu patent is directed to a server based application which intercepts an initial request for access to documents, retrieves the document requested and then replaces each imbedded address in the document with its own address plus the original embedded address so that all future references to the embedded information will be supplied by that server.

The portion of the specification of the Chiu patent described by the Examiner at column 3, lines 42-55, is directed to standard internet retrieval of a document described by a URL. There is no teaching or suggestion that the URL should include the name of the contact.

With respect to the requirement of the claims that the contact be notified about the resource location, which the Examiner purports to find in column 3, lines 57-67, this limitation, too, is not shown by the Chiu reference. Lines 57-67

In Re Patent Application of:  
**HAUGLAND ET AL.**  
Serial No: **09/5136,845**  
Filing Date: **FEBRUARY 25, 2000**

---

of column 3 refer to a standard URL fetch by a browser or server application. That portion of the Chiu patent has nothing whatsoever to do with notifying the contact who is "one of the list of contacts to whom a promotion is directed" about a resource location.

In short, the Chiu patent does not teach or suggest important limitations found in each of the independent claims.

The Examiners assertion that a server is the functionally equivalent of "a contact" totally ignores the specification and the description of the invention. The Examiner's claim interpretation is fundamentally wrong. See, for example, page 10 of the specification; line 9 et seq. Accordingly, none of the independent claims is anticipated by the Chiu reference.

Claim 2 is dependent upon Claim 1 and is allowable for the same reasons given with respect to Claim 1. In addition, Claim 2 requires "tailoring content in the resource in response to the resource location description used to access the resource." This is not shown by the Chiu reference.

Claim 10 is dependent upon Claim 1 and is allowable for the reasons given with respect to Claim 1. In addition, Claim 1 requires that "the resource location description includes a directory name; and said generating comprises using the contact name in the directory name." This is not shown by the Chiu reference.

In Re Patent Application of:  
**HAUGLAND ET AL.**  
Serial No: **09/5136,845**  
Filing Date: **FEBRUARY 25, 2000**

---

Claim 11 is dependent upon Claim 1 and is allowable for the reasons given with respect to Claim 1. In addition, Claim 11 requires "the resource location description includes a host name; and said generating comprises using the contact name in the host name." This is not shown by the Chiu reference.

Claims 13-15 are dependent upon Claims 1, 8 and 12 and are allowable for the reasons given with respect to Claim 1. In addition, each of these claims addresses the problem of making a resource location description unique by performing certain steps. The Chiu reference does not show these steps.

Claim 17 is dependent upon Claims 1 and 11 and is allowable for the reasons given with respect to Claim 1. In addition, Claim 17 requires "updating a domain name file to include the host name for use by a domain name server." This is not shown by the Chiu reference.

Claim 23 is dependent upon Claims 8, 7 and 1 and is allowable for the reasons given with respect to those claims. In addition, Claim 23 requires "making a sub-domain name in the resource location description unique among a plurality of other document location descriptions corresponding to the plurality of contacts insuring a higher level domain name." This is not shown by the Chiu reference.

Claim 24 is dependent upon Claims 8, 7 and 1 and is allowable given with the respect given with respect to those claims. In addition, Claim 24 requires that "if a sub-domain name in the resource location description is not unique within



In Re Patent Application of:  
**HAUGLAND ET AL.**  
Serial No: **09/5136,845**  
Filing Date: **FEBRUARY 25, 2000**

---

one higher level domain name, then using the sub-domain name with a different higher level domain name" should be used. This is not shown by the Chiu reference.

Claim 28 is dependent upon Claim 1 and is allowable for the reasons given with respect to Claim 1. Further, Claim 28 requires "dynamically tailoring content in the resource in response to authentication in a request for the resource." This is not shown by the Chiu reference.

Claims 32 and 33 are dependent directly or indirectly upon Claim 31 and are allowable for the reasons given with respect to Claim 31. In addition, Claims 32 and 33 address "treating request as visits to a persistent website belonging to the contact." This is not shown by the Chiu reference.

Claim 49 is dependent upon Claims 48 and 46 and is allowable for the reasons given with respect to those claims. In addition, Claim 49 requires "instructions to use a sub-domain name in the resource location description with a different higher level domain name, if the sub-domain name is not unique within one higher level domain name." This is not shown by the Chiu reference,

Claim 50 is dependent upon Claim 46 and is allowable for the reasons given with respect to Claim 46. Claim 50 further requires "configuring the one or more processors to terminate access to the resource at the location when a promotion associated with the resource end." This is not shown by the Chiu reference.

In Re Patent Application of:  
**HAUGLAND ET AL.**  
Serial No: **09/5136,845**  
Filing Date: **FEBRUARY 25, 2000**

---

Claim 52 and 53 are dependent directly or indirectly upon Claim 51 and are allowable for the reasons given with respect to Claim 51. In addition, Claim 52 and 53 contain limitations regarding treating requests as "visits to a persistent web site belonging to the contact." This is not shown by the Chiu reference.

Thus, for the reasons given, none of the claims rejected by the Examiner as anticipated over Chiu are in fact anticipated by Chiu. The Examiner erred in making the rejection of Claims 1-4, 9-17, 23-24, 28, 31-33, 42-43, 45-46, 51-53 and 62-63 under 35 U.S.C. § 102 as anticipated by Chiu.

**II. The Examiner erred in rejecting Claims 5-8, 18-22, 25-27, 29-30 and 47-48 under 35 U.S.C. § 103 as unpatentable over Chiu in view of LeMole et al. (U.S. Patent No. 6,009,410, hereinafter LeMole).**

The Examiner rejected claims 5-8, 18-22, 25-27, 29, 30 and 47-48 under 35 U.S.C. § 103 as unpatentable over Chiu in view of LeMole. Each of these claims is dependent upon one of the independent claims discussed in conjunction with the rejection under U.S.C. § 102. Since neither of these references contains a teaching or suggestion or important limitations in the parent independent claim, the dependent claims are patentable as well.

Further, the LeMole patent is directed to a customized advertising repository server. A user can access that server

In Re Patent Application of:  
**HAUGLAND ET AL.**  
Serial No: **09/5136,845**  
Filing Date: **FEBRUARY 25, 2000**

---

through a browser and enter a profile, such as a profile describing advertising subjects in which the user is interested. When a user accesses his or her customized advertising repository through the browser, a composite advertising page is dynamically configured by the customized advertising repository server for that particular user based on that users previously provided user profile.

There is no teaching or suggestion on LeMole for including in a resource location description the name of the contact to which promotional material is to be sent. Rather, a user must volunteer to receive advertising by creating a profile in the customized advertising repository server. Further, there is no need to notify a contact about the resource location description for the resource, since, in the LeMole patent, the user already knows the description of the customized advertising repository server, since the user has utilized that location to create his profile and must log into it to get his pre-specified advertising.

With respect to each of the claims rejected under 35 U.S.C. § 103, the Examiner has failed to establish a motivation or suggestion for combining any particular teaching of the LeMole reference with the Chiu reference. Thus, the Examiner has failed to establish a prima facie case of obviousness.

Further, as pointed out above, the Chiu reference does not meet significant and important limitations of each of the independent claims. Therefore, even if LeMole were combined with Chiu, it would not result in the claimed invention.

In Re Patent Application of:  
**HAUGLAND ET AL.**  
Serial No: **09/5136,845**  
Filing Date: **FEBRUARY 25, 2000**

---

With respect to Claim 5, the Examiner refers to column 4, of LeMole and asserts that the limitations of Claim 5 are disclosed there. Regardless of whether or not the limitations are disclosed there, the Examiner has failed to show a rationale or teaching in the LeMole reference or in the prior art or in the Chiu reference, which would suggest that the limitations of LeMole be combined with Chiu in such a manner as to meet the claims. With respect to Claims 6 and 26 the Examiner relies on "well known" activity. The Examiner is merely assuming that the limitation that he cannot find in the prior art is well known and then leverages off that assumption to the conclusion that the limitations would have been obvious. Again, the Examiner has failed to make a prima facie case of obviousness.

With respect to Claims 7 and 47 and 8, 25 and 48, the Examiner again refers to the text of LeMole as providing missing limitations. However, the examiner has failed to establish a rationale or motivation for combining the teachings of LeMole with the Chiu reference. There is no deficiency shown in the Chiu reference that would warrant such a modification. Rather, the Examiner is employing hindsight in order reach a conclusion of obviousness while totally lacking evidentiary support and any teaching or motivation for combining the references.

With respect to Claims 18-22 the Examiner premises his position on "official notice that the aforementioned limitations are well known features of Internet advertisements." The Examiner has failed to establish that this is sufficiently well known that it would be a suitable subject matter for official

In Re Patent Application of:  
**HAUGLAND ET AL.**  
Serial No: **09/5136,845**  
Filing Date: **FEBRUARY 25, 2000**

---

notice. Accordingly, the Examiner has failed to establish a prima facie case of obviousness.

With respect to Claim 27, the Examiner takes official notice once again to support an otherwise inadequate rejection. With respect to each of the supposed takings of official notice, appellant's respectfully traverse or taking of official notice and request that the Examiner provide evidence of the facts of which he purports to take official notice.

With respect to Claims 29 and 30 the Examiner again purports to take official notice to support his conclusion of obviousness. Again, appellants respectfully traverse the holding of official notice and request that the Examiner provide appropriate evidence to support the conclusion of obviousness.

(8) Claims Appendix

Appendix A, attached to this Appeal Brief contains a copy of the claims involved in the appeal. Claims 1, 3, 4, 7, 8, 9 and 13 were amended to remove line numbers, which erroneously entered the text during the last amendment. Original Claim 43 was corrected over the version shown in the last amendment to supply an omission and Claims 45 and 46 had only formatting changes to reflect the original depiction of the claims in the application. With the exception of canceling claims in response to a restriction requirement, none of the claims pending in the

In Re Patent Application of:

**HAUGLAND ET AL.**

Serial No: **09/5136,845**

Filing Date: **FEBRUARY 25, 2000**

---

application during this appeal have ever had any amendments made to them during prosecution. They are all original claims.

(9) Summary

Accordingly, appellant's respectfully request that the Board of Patent Appeals and Interferences reverse the rejections under 35 U.S.C. § 102 and § 103.

Respectfully submitted,



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In Re Patent Application of:

**HAUGLAND ET AL.**

Serial No: **09/5136,845**

Filing Date: **FEBRUARY 25, 2000**

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**CERTIFICATE OF MAILING**

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In Re Patent Application of:  
**HAUGLAND ET AL.**  
Serial No: **09/5136,845**  
Filing Date: **FEBRUARY 25, 2000**

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**APPENDIX A - CLAIMS ON APPEAL**  
**FOR U.S. PATENT APPLICATION SERIAL NO. 09/513,845**

Claim 1 (original) A method for inducing a contact to invoke a resource prepared by a promoter on a network, the method comprising:  
    generating a resource location description for the resource by the promoter, the  
    resource location description including a name of the contact;  
    providing access to the resource at a location on the network according to the resource location description; and  
    notifying the contact about the resource location description for the resource.

Claim 2 (original) The method of claim 1, further comprising tailoring content in the resource in response to the resource location description used to access the resource.

Claim 3 (original) The method of claim 1, said providing access to the resource at the location comprising placing the resource at the location.

Claim 4 (original) The method of claim 1, said providing access to the resource at the location comprising configuring an operating system to divert a request for the resource at the location to a second location where the resource resides.

Claim 5 (original) The method of claim 1, wherein: a request for the resource includes the resource location description; and the method further comprises  
    generating content for the document dynamically in response to the resource location description in the request.

Claim 6 (original) The method of claim 1, further comprising:  
    logging activity involving the resource; and  
    changing content in the resource in response to the



In Re Patent Application of:

**HAUGLAND ET AL.**

Serial No: **09/5136,845**

Filing Date: **FEBRUARY 25, 2000**

---

activity logged.

Claim 7 (original) The method of claim 1, further comprising:  
    setting up a contact database; and  
    automatically retrieving the contact name from the contact database before said generating the resource location description.

Claim 8 (original) The method of claim 7, further comprising repeating said steps of generating the resource location description, providing access, and notifying the contact for a plurality of contacts from the contact database.

Claim 9 (original) The method of claim 1, wherein the resource location description is a universal resource locator address.

Claim 10 (original) The method of claim 1, wherein: the resource location description includes a directory name; and  
    said generating comprises using the contact name in the directory name.

Claim 11 (original) The method of claim 1, wherein: the resource location description includes a host name; and  
    said generating comprises using the contact name in the host name.

Claim 12 (original) The method of claim 8, said generating further comprising making the resource location description unique among a plurality of other resource location descriptions corresponding to the plurality of contacts.

Claim 13 (original) The method of claim 12, said generating further comprising, if an original first name of the name of the contact does not make the resource location description unique, changing the original first name to one of an initial and a nickname.

Claim 14 (original) The method of claim 12,

In Re Patent Application of:  
**HAUGLAND ET AL.**  
Serial No: **09/5136,845**  
Filing Date: **FEBRUARY 25, 2000**

---

said generating further comprising, if an original first name of the name of the contact does not make the resource location description unique, changing a connecting character between the first name and a second name of the name of the contact to at least one of a different connecting character and a different number of the connecting character.

Claim 15 (original) The method of claim 12, said generating further comprising, if an original name of the contact does not make the resource location description unique, adding additional characters based on other information from the contact database associated with the contact.

Claim 16 (original) The method of claim 7, said generating further comprising, if an original name of the contact includes a character prohibited for a resource location description, changing the prohibited character to an allowed character.

Claim 17 (original) The method of claim 11, further comprising updating a domain name file to include the host name for use by a domain name server.

Claim 18 (original) The method of claim 1, further comprising terminating access to the resource at the location when a promotion associated with the resource ends.

Claim 19 (original) The method of claim 1, further comprising changing content in the resource when a promotion associated with the resource reaches a predetermined stage.

Claim 20 (original) The method of claim 6, further comprising repeating said notifying the contact when a promotion associated with the resource reaches a predetermined stage and the activity logged is less than a predetermined threshold of activity.

Claim 21 (original) The method of claim 20, wherein the predetermined threshold of activity is one request for the resource.

In Re Patent Application of:  
**HAUGLAND ET AL.**  
Serial No: **09/5136,845**  
Filing Date: **FEBRUARY 25, 2000**

---

Claim 22 (original) The method of claim 20, wherein the predetermined threshold of activity is one payment in response to an offer presented by invoking the resource.

Claim 23 (original) The method of claim 8, said generating further comprising making a subdomain name in the resource location description unique among a plurality of other document location descriptions corresponding to the plurality of contacts and sharing a common higher level domain name.

Claim 24 (original) The method of claim 8, said generating further comprising, if a subdomain name in the resource location description is not unique within one higher level domain name, then using the subdomain name with a different higher level domain name.

Claim 25 (original) The method of claim 2, said tailoring further comprising including information associated with the contact in a contact database into the content of the resource.

Claim 26 (original) The method of claim 2, said tailoring further comprising selecting alternative resource content elements into the content of the resource based on information associated with the contact in a contact database

Claim 27 (original) The method of claim 1, further comprising denying access to the resource if a request for the resource does not include a predetermined authentication.

Claim 28 (original) The method of claim 1, further comprising dynamically tailoring content in the resource in response to authentication in a request for the resource.

Claim 29 (original) The method of claim 6, further comprising launching a credit card purchase process in response to the activity logged.

In Re Patent Application of:  
**HAUGLAND ET AL.**  
Serial No: **09/5136,845**  
Filing Date: **FEBRUARY 25, 2000**

---

Claim 30 (original) The method of claim 29, said launching a credit card purchase process further composing:

directing a user acting on the document to a secure socket layer server;

obtaining credit card information from the user by the secure socket layer server; and sending the credit card information to a fulfillment house from the secure socket layer over a virtual private network link.

Claim 31 (original) A method for inducing a contact to visit a web site prepared by a promoter, the method comprising:

generating a host name for the web site by the promoter, the host name including a name of the contact;

notifying the contact of the host name for the web site; and

configuring a web server at the web site to process a request including the host name.

Claim 32 (original) The method of claim 31, the step of configuring further comprising treating requests as visits to a persistent web site belonging to the contact.

Claim 33 (original) The method of claim 32, wherein:

the method further comprises receiving content for the persistent web site from the contact; and

the step of configuring further comprises presenting

content from the contact in response to the request.

Claim 34 (cancelled)

Claim 35 (cancelled)

Claim 36 (cancelled)

Claim 37 (cancelled)

Claim 38 (cancelled)

In Re Patent Application of:  
**HAUGLAND ET AL.**  
Serial No: **09/5136,845**  
Filing Date: **FEBRUARY 25, 2000**

---

Claim 39 (cancelled)

Claim 40 (cancelled)

Claim 41 (cancelled)

Claim 42 (original) A method of promoting a cause to a contact, the method comprising:  
including a name of the contact in a network address associated with the cause; and  
including the network address in material sent to the contact.

Claim 43 (original) A method of conducting a promotion, the method comprising:  
including a name of the promotion in a network address associated with the promotion; and broadcasting the networks address to a plurality of targets.

Claim 44 (cancelled)

Claim 45 (original) A computer-readable medium bearing promotion information for use by one or more processors that are participating in providing resources on a network, the promotion information comprising:  
contact information about a contact to receive materials as part of a promotion; and  
a resource location description indicating where the resource can be accessed on the network, the resource location information including information from the contact information.

Claim 46 (original) A computer program product for inducing a contact to invoke a resource prepared by a promoter on a network, the computer program product comprising:  
a computer readable medium;  
instructions residing on the computer readable medium for causing one or more processors to generate a resource location description for the resource, the resource location description including a name of the contact;

In Re Patent Application of:  
**HAUGLAND ET AL.**  
Serial No: **09/5136,845**  
Filing Date: **FEBRUARY 25, 2000**

---

provide access to the resource at a location on the network according to the resource location description; and  
prepare a message notifying the contact about the resource location description for the resource.

Claim 47 (original) The computer program product of claim 46, the instructions further configuring the one or more processors to automatically retrieve the contact name from a contact database including information about a plurality of contacts before the one or more processors generate the resource location description

Claim 48 (original) The computer program product of claim 47, the instructions further configuring the one or more processors to repeatedly generate the resource location description, provide access, and prepare message for a plurality of contacts from the contact database.

Claim 49 (original) The computer program product of claim 48, the instructions to generate the resource location description further comprising instructions to use a subdomain name in the resource location description with a different higher level domain name, if the subdomain name is not unique within one higher level domain name.

Claim 50 (original) The computer program product of claim 46, the instructions further configuring the one or more processors to terminate access to the resource at the location when a promotion associated with the resource ends.

Claim 51 (original) A computer program product for inducing a contact to visit a web site prepared by a promoter, the computer program product comprising:  
a computer readable medium; and  
instructions residing on the computer readable medium for causing one or more processors to generate a host-name for the web site, the host name including a name of the contact,

In Re Patent Application of:  
**HAUGLAND ET AL.**  
Serial No: **09/5136,845**  
Filing Date: **FEBRUARY 25, 2000**

---

prepare a message notifying the contact of the host name for the web site, and  
configure a web server at the web site to process a request including the host name.

Claim 52 (original) The computer program product of claim 51, the instructions to configure further comprising instructions to treat requests as visits to a persistent web site belonging to the contact.

Claim 53 (original) The computer program product of claim 52, wherein:  
the instructions further comprises instructions causing the one or more processors to receive content for the  
persistent web site from the contact; and the instructions to  
configure the web site further comprise instructions to  
present content from the contact in response to the request.

Claim 54 (cancelled)

Claim 55 (cancelled)

Claim 56 (cancelled)

Claim 57 (cancelled)

Claim 58 (cancelled)

Claim 59 (cancelled)

Claim 60 (cancelled)

Claim 61 (cancelled)

Claim 62 (original) A computer program product of  
promoting a cause to a contact, the computer program product  
comprising:  
a computer readable medium; and

In Re Patent Application of:

**HAUGLAND ET AL.**

Serial No: **09/5136,845**

Filing Date: **FEBRUARY 25, 2000**

---

instructions residing on the computer readable medium for causing one or more processors to include a name of the contact in a network address associated with the cause; and include the network address in a message prepared for the contact.

Claim 63 (original) A computer program product of conducting a promotion, the computer program product comprising:

a computer readable medium; and instructions residing on the computer readable medium for causing one or more processors to include a name of the promotion in a network address associated with the promotion; and prepare a message including the network address for broadcast to a plurality of targets.

Claim 64 (cancelled)

Claim 65 (cancelled)

Claim 66 (cancelled)

Claim 67 (cancelled)

Claim 68 (cancelled)

Claim 69 (cancelled)

Claim 70 (cancelled)

Claim 71 (cancelled)

Claim 72 (cancelled)

Claim 73 (cancelled)

Claim 74 (cancelled)

Claim 75 (cancelled)

Claim 76 (cancelled)

Claim 77 (cancelled)



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Claim 78 (cancelled)